

Sep 05, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ZACHERY D.,

Plaintiff,

v.

ACTING COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,

Defendant.

NO. 4:18-CV-05165-SAB

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 18. The parties stipulate that the above-captioned case be reversed and remanded for further administrative proceedings, including a *de novo* hearing pursuant to 42 U.S.C. § 405(g). The parties further agree that reasonable attorney fees should be awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412, upon proper request to the Court.

Accordingly, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion for Remand, ECF No. 18, is **GRANTED**.

2. The decision denying benefits is **REVERSED** and **REMANDED** for further administrative proceedings. On remand, the Administrative Law Judge ("ALJ") shall further develop the record, update the medical records, and issue a new decision. The ALJ shall also:

ORDER GRANTING STIPULATED MOTION FOR REMAND 3 1

- Reevaluate the opinion evidence of record;
- Reevaluate Plaintiff's symptom testimony;
- Reevaluate third party law witness statements;
- Reassess Plaintiff's maximum residual functional capacity; and
- Obtain supplemental vocational expert evidence.

3. This remand is made pursuant to 42 U.S.C. § 405(g).

4. Plaintiff's Motion for Summary Judgment, ECF No. 15, is **DISMISSED as moot**.

5. Upon proper presentation, this Court shall consider Plaintiff's application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

6. The District Court Executive is directed to enter judgment in favor of Plaintiff and against Defendant.

IT IS SO ORDERED. The District Court Executive is hereby directed to file this Order, provide copies to counsel, enter judgment, and close this file.

DATED this 5th day of September 2019.



A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

Stanley A. Bastian
United States District Judge